

REMARKS

Claims 1-3 and 5-17 are pending. Claims 3 and 5-6 are drawn to non-elected inventions.

Double Patenting Rejections

1. Claims 1, 2, and 7-17 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1-9 of U.S. Patent No. 5,900,407.

The present invention is directed to a method of enhancing drainage of the lacrimal system. The '407 Patent is directed to a method of stimulating tear secretion from lacrimal tissues. A method of enhancing drainage of the lacrimal system is not an obvious variation of a method of stimulating tear secretion. The two methods involve different parts of tissues, have opposite mechanisms and different functions, and achieve different end results.

Applicants respectfully do not agree with the rejection. However, in order to expedite the allowance of this application, Applicants are submitting herewith a Terminal Disclaimer to overcome the rejection.

2. Claims 1, 2 and 7-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1-11 of copending Application No. 10/010,055.

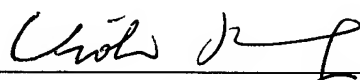
The '055 Application is directed to a method of stimulating tear secretion and mucin production in eyes. For the same reason as stated above in paragraph 1, Applicants respectfully do not agree with the rejection. However, in order to expedite the allowance of this application, Applicants are submitting herewith a Terminal Disclaimer to overcome the provisional rejection.

CONCLUSION

Applicants believe that the application is in good and proper condition for allowance. Early notification of allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8181.

Respectfully submitted,

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Viola T. Kung (Reg. No. 41,131)

HOWREY SIMON ARNOLD & WHITE, LLP
2941 Fairview Park Drive
Box 7
Falls Church, VA 22042
Ph. (650) 463-8181
Fax (650) 463-8400